

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Thursday, April 27, 2006
MAG Office
Phoenix, Arizona

MEMBERS PRESENT

Stephen Cleveland, City of Goodyear, Chairman
Avondale: Raul Santellan for Michael Powell
*Buckeye: Lucky Roberts
#Chandler: Jim Weiss
Gilbert: Greg Svelund for Tami Ryall
Glendale: Doug Kukino
Mesa: Greg Edwards for Scott Bouchie
Phoenix: Gaye Knight
#Scottsdale: Larry Person
Surprise: Antonio DeLaCruz
Tempe: Oddvar Tveit
*Citizen Representative: Walter Bouchard
*American Lung Association of Arizona: Bill Pfeifer
#Salt River Project: Sunil Varma
Southwest Gas Corporation: Brian O'Donnell
*Arizona Public Service Company: Jim Mikula
*Western States Petroleum Association: Gina Grey
*Valley Metro: Randi Alcott
*Arizona Motor Transport Association: Dave Berry
Maricopa County Farm Bureau: Jeannette Fish
*Arizona Rock Products Association: Russell Bowers
*Greater Phoenix Chamber of Commerce: Michelle Rill

*Associated General Contractors: Amanda McGennis
Homebuilders Association of Central Arizona:
Albert Acken for Connie Wilhelm-Garcia
*American Institute of Architects - Central Arizona:
Stephen J. Andros
#Valley Forward: Mannie Carpenter
*University of Arizona - Cooperative Extension:
Patrick Clay
Arizona Department of Transportation: Beverly Chenausky
Arizona Department of Environmental Quality:
Bruce Friedl for Peter Hyde
*Environmental Protection Agency: Wienke Tax
Maricopa County Air Quality Department: Jo Crumbaker
#Arizona Department of Weights and Measures:
Duane Yantorno
*Federal Highway Administration: Ed Stillings
*Arizona State University: Judi Nelson
Salt River Pima-Maricopa Indian Community:
Christella Armijo for B. Bobby Ramirez
*David Rueckert, Citizen Representative

*Members neither present nor represented by proxy.
#Participated via telephone conference call.
+Participated via video conference call.

OTHERS PRESENT

Lindy Bauer, Maricopa Association of Governments
Cathy Arthur, Maricopa Association of Governments
Dean Giles, Maricopa Association of Governments

Julie Hoffman, Maricopa Association of Governments
Scott Di Biase, Pinal County
Robert St. John, City of Glendale
Sarah Chilton, City of Goodyear

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on April 27, 2006. Stephen Cleveland, City of Goodyear, Chairman, called the meeting to order at approximately 1:35 p.m. Larry Person, City of Scottsdale, Duane Yantorno, Arizona Department of Weights and Measures, Jim Weiss, City of Chandler, Sunil Varma, Salt River Project, and Mannie Carpenter, Valley Forward, attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Cleveland stated that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the table adjacent to the doorway inside the meeting room. Citizens are asked not to exceed a three minute time period for their comments. Public comment is provided at the beginning of the meeting for nonagenda items and nonaction agenda items. Mr. Cleveland noted that no public comment cards had been received.

3. Approval of the February 23, 2006 Meeting Minutes

The Committee reviewed the minutes from the February 23, 2006 meeting. Doug Kukino, City of Glendale, moved and Jeannette Fish, Maricopa County Farm Bureau, seconded and the motion to approve the February 23, 2006 meeting minutes carried unanimously.

4. Funding Needed for Transportation Control Measures in Air Quality Plans

Lindy Bauer, Maricopa Association of Governments, briefed the Committee on the funding needed for transportation control measures in the air quality plans. She indicated that on March 30, 2006 the Environmental Protection Agency (EPA) notified MAG and the Pima Association of Governments that if certain transportation control measures in the air quality plans are not funded and implemented on time, conformity will lapse and major transportation projects will be stopped. At risk are projects estimated at \$2.6 billion in the upcoming FY 2007-2011 MAG Transportation Improvement Program if a conformity lapse occurs.

Ms. Bauer indicated that there is a federal requirement that the conformity analysis show timely implementation of transportation control measures. She mentioned that one of the transportation control measures in the air quality plans is the Maricopa County Trip Reduction Program. For years the Arizona Department of Environmental Quality (ADEQ) and MAG have been partners in funding the program. She indicated that MAG provides \$910,000 per year and ADEQ has been providing \$948,575 per year for the Maricopa County Trip Reduction Program. She added that ADEQ has also been providing \$725,000 per year for the Maricopa County Voluntary Vehicle Repair and Retrofit Program. Ms. Bauer stated that ADEQ funded these programs from the Air Quality Fund, but will no longer since legislative changes have reduced the fund by \$15 million. She mentioned that discussions have occurred with the Governor's Office, Legislature, Legislative staff, and city and Maricopa County intergovernmental coordinators. Ms. Bauer mentioned that Legislative staff has indicated that they are hopeful that funding will be found, but the funding source has not yet been identified. She added that funding from the Legislature is urgently needed to cover the funding previously provided by ADEQ. Ms. Bauer indicated that MAG works through the intergovernmental coordinators who were briefed on the issue on March 30, 2006.

5. Particulate Pollution Update

Ms. Bauer provided an update on the 2006 air quality monitoring data for PM-10 and recent efforts underway to reduce the problem. She discussed the number of 24-hour PM-10 exceedance days at the monitors in 2006 and indicated that the region needs to be clean in 2007, 2008, and 2009 in order to attain the standard by 2009. Ms. Bauer stated that, in addition to action taken by the City of Phoenix and the Maricopa County Department of Transportation, MAG conducted a workshop on model dust control ordinance and best practices on February 10, 2006. She mentioned that the Agricultural Best Management Practices Committee met on April 17, 2006 and will consider additional measures.

Ms. Bauer discussed the workshop conducted on the Clark County Dust Control Program in Las Vegas, Nevada. She stated that Clark County is a Serious PM-10 Nonattainment Area that expects to attain the PM-10 standard this year. Ms. Bauer mentioned that the workshop was hosted by Maricopa County March 16-17, 2006 in Las Vegas, Nevada. She indicated that a contingent of public and private representatives from Maricopa County attended the workshop to learn more about the Clark County Dust Control Program.

Ms. Bauer provided highlights of the Clark County Dust Control Program. She indicated that dust managers (dust monitors) are required at construction sites of 50 acres and greater for dust compliance. She discussed the enforcement approach and extensive training programs in Clark County. Ms. Bauer indicated that if property owners in Clark County fail to maintain vacant lots, Clark County stabilizes the lots and then liens are placed on the property for reimbursement. She stated that Clark County has a dedicated coordinator for unpaved roads and vacant lots and private companies are required to use PM-10 certified street sweepers. The extensive public outreach campaign is funded at \$750,000 per year and inspector salaries start at \$41,000. Ms. Bauer added that Clark County has a low turnover rate for their inspectors.

Ms. Bauer stated that, during a debriefing on April 13, 2006, a number of ideas for addressing PM-10 pollution in Maricopa County were considered. She mentioned that Maricopa County has hired a consultant to design a public outreach program. Potential action steps include strengthening unpaved parking lot requirements and enforcement, paving unpaved shoulders and roads, stabilizing vacant lots, requiring a dust manager for sites 50 acres and greater, offering training programs, providing higher salaries for dust control enforcement staff, and implementing off-road vehicle requirements.

Mr. Cleveland provided an opportunity for those who attended the workshop to speak about their experience. Jo Crumbaker, Maricopa County Air Quality Department, stated that the Maricopa County Manager and Deputy Maricopa County Manager attended the workshop in Clark County. She mentioned that Maricopa County has hired a consultant to design a public outreach program. She added that the market study for the inspectors was recently completed and the next step is to prepare an action item for the Board of Supervisors. Ms. Crumbaker stated that Maricopa County is continuing to send staff out to the monitors when PM-10 concentrations are forecasted to be high. Unfortunately, on April 14th and 15th there were PM-10 exceedances. However, there have been a number of other days where the values have come close, but exceedances were avoided. Ms. Crumbaker added that there is still a significant challenge.

Ms. Crumbaker commented on the extent of the impacted areas for PM-10 concentrations during the past winter. Previously, there was a perspective that most of the dust is geological and therefore the near field area was focused on for sources. She mentioned that on some of the severe days in December 2005 there was an impacted area forming a seven to ten mile rectangle. Ms. Crumbaker added that Maricopa County will be working with MAG on the PM-10 Source Attribution and Deposition Study to better understand these conditions.

Gaye Knight, City of Phoenix, commented that the workshop was a worthwhile trip to get an overview of Clark County Dust Control Program. She indicated that it was a good effort by Maricopa County who hosted the workshop. Ms. Knight added that it was an opportunity to speak with other public and private representatives from Maricopa County in an undistracted setting to discuss the issue and what can be done. She mentioned that the workshop participants felt positive about solving the Maricopa County PM-10 problem. Ms. Knight inquired about the Clark County Air Quality Program budget. Ms. Crumbaker replied that Clark County has a total budget of \$18 million. She added that a bond election was passed and Clark County gets approximately \$4 million per year which funds their public outreach program.

Ms. Knight commented on the dust managers in Clark County. She also mentioned that in the San Joaquin Valley, farmers need air quality permits that include Agricultural Best Management Practices (BMPs). Ms. Knight described the public outreach campaign in Clark County and indicated that it has been very effective.

Mr. Cleveland thanked Maricopa County for hosting the workshop. He mentioned that it would be worthwhile to conduct workshops or forums where the elected officials, city management and operational levels, and the public would be educated on what could be done to mitigate the PM-10 problem. Mr. Cleveland commented on the Clark County approach of avoiding formal citations (Notices of Violation) by providing information/education. He added that Maricopa County is faced with having to commit to measures that reduce emissions by five percent per year which will impact everyone. Ms. Bauer stated that clarification was recently received from EPA on the calculation of five percent reductions. According to EPA, the five percent is calculated by projecting the inventory to 2007 and then calculating a five percent reduction from the 2007 inventory, and that number becomes the target for the rest of the years until the standard is attained.

Albert Acken, Homebuilders Association of Central Arizona, commented that the Homebuilders Association is committed to proactive training to help reduce PM-10 pollution. The Homebuilders Association has begun and are actively developing a training program that will be ideally offered in conjunction with Maricopa County. The training program is moving forward and will be offered to subcontractors so they are better educated about the requirements. The Homebuilders Association is working with Maricopa County and feels a proactive training program is the best tool for moving forward. Mr. Cleveland commented that the proactive approach is appreciated.

Ms. Fish commented that the San Joaquin Valley air quality permits are for farms that are 100 acres and greater and the Best Management Practices are in place in Maricopa County for producers 10 acres and greater. She mentioned that the Maricopa County Farm Bureau will be hosting two educational seminars/workshops on May 31, 2006 for producers as a reminder and review of BMP requirements. Mr. Cleveland requested that the information be provided to the Committee.

Ms. Knight stated that Phoenix Councilman Claude Mattox invited Bob Kard, Maricopa County Air Quality Department Director, on Phoenix Channel 11 to discuss air quality. She indicated that a video was shown and an interview was conducted. Ms. Knight stated that Mr. Kard will likely appear on Phoenix Channel 11 again in the fall to help kickoff the public education campaign. Ms. Knight encouraged other cities to invite Mr. Kard to speak on their Channel 11 stations to get air quality information to the public. Mr. Cleveland asked if Channel 11 is from Arizona State University. Ms. Crumbaker replied that Channel 11 is the public access channel that broadcasts board meetings for each jurisdiction. Ms. Knight added that Horizon on Channel 8 is another option.

6. City of Goodyear Ordinance Prohibiting Off-Road Vehicle Use

Mr. Cleveland introduced Sarah Chilton, City of Goodyear, who assisted in the development of an ordinance that prohibits off-road vehicle use on private and/or public property not open to the public without prior written permission. Ms. Chilton provided an overview of the ordinance adopted by the City of Goodyear Council. She stated that the ordinance was drafted in response to a Notice of Violation received from Maricopa County and complaints from residents about dust problems caused by off-road vehicles in the Gila River bed. She mentioned that the City of Goodyear owns a portion of the land near the river bed. Until last summer, the area was grown over with vegetation. However, last summer there was a fire that destroyed the vegetation and the river bed has become a prime riding spot for off-road vehicles. Ms. Chilton mentioned that the area has become dangerous because of low visibility and the number of off-road vehicles. She indicated that the City of Goodyear wanted to solve the problem globally to protect the citizens. She added that portions of the land is also owned by the Maricopa County Flood Control District and the Buckeye Irrigation District.

Ms. Chilton stated that the City of Goodyear reviewed the City of Peoria statute that makes it an automatic violation if riding on private property without written permission. She indicated that the City of Goodyear Council passed a similar ordinance. Ms. Chilton stated that it is illegal for property owners to be giving riders permission, but the City does not anticipate a problem. However, if permission is given, the City can contact property owners and inform them of the Maricopa County rules. She stated that the problem of off-road vehicles in the Gila River bed is more common on the weekends and holidays and the area will be patrolled. She mentioned that a brochure has been produced that describes the requirements. She added that the brochure is available on the City of Goodyear website.

Ms. Chilton stated that there is a perception that off-road vehicle riders have a right to ride in the river bed. She mentioned that the problem has decreased in Goodyear; however, the off-road vehicle riders have now moved to Buckeye. Mr. Cleveland indicated that a 30 day warning period was given to the off-road vehicle riders as part of the targeted enforcement. He asked about the fines. Ms. Chilton replied that fines can be up to \$2,500; however, it is not anticipated that there will be major fines. She mentioned that the City of Goodyear is using an educational approach.

Ms. Crumbaker mentioned that a facility for off-road vehicles is being planned in the Town of Buckeye. She indicated that a kickoff meeting was held in January. Ms. Crumbaker commented on the use of off-road vehicles to keep children busy after school. She indicated that the problem is throughout the Valley. Ms. Chilton stated that the brochure produced by Goodyear includes a list of places to ride off-road vehicles outside Maricopa County. However, the alternatives were not well received.

Ms. Fish asked if Maricopa County has a similar ordinance. Ms. Crumbaker responded that Maricopa County does not have the ability to enforce moving vehicles. She stated that the County goes back to the property owners. Ms. Fish commented on the number of off-road vehicles near the Jackrabbit Bridge even though the area is posted and gated. Ms. Crumbaker stated that the riders are damaging Maricopa County Flood Control District earth and dam structures in some locations. Mr. Cleveland stated that the Jackrabbit Bridge is approximately three miles west of Cotton Lane.

Mr. Acken inquired about the fines for the Notices of Violation received by the City of Phoenix and City of Goodyear. Ms. Knight replied that the City of Phoenix received a Notice of Violation several years ago for doing weed control on a residential lot without a permit and having a vehicle parked on that lot. The fine was from EPA for \$30,000, but the City was only required to pay \$15,000. Ms. Chilton stated that the Notice of Violation received by the City of Goodyear allowed the City to cure the defect. However, the fines could be up to \$10,000 per day.

7. Update on the Arizona Natural Events Action Plan

Bruce Friedl, Arizona Department of Environmental Quality, provided an update on the Arizona Natural Events Action Plan. On February 9, 2006, ADEQ submitted a letter to EPA which included a description of the implementation of the five required elements of a Natural Events Action Plan. Mr. Friedl indicated that exceedances of the PM-10 standard on August 13, 2004 and September 18, 2004 were flagged as natural/exceptional events. The Environmental Protection Agency concurred that the exceedances on these days did qualify as natural/exception events under the Natural Events Policy. Therefore, these data are not included when calculating ambient compliance values. He indicated that after flagging the data, a Natural Events Action Plan is developed. Since all of the required elements already existed, the plan consisted of the February 9, 2006 letter. Mr. Friedl discussed the required components of the Natural Events Action Plan. He added that there are recent exceedance days that will likely be evaluated to determine if the exceedances qualify as natural/exceptional events.

Mr. Cleveland inquired about the steps taken following a PM-10 exceedance. Mr. Friedl replied that data is entered into the QA/QC process to determine if the exceedance is valid. Next, meteorological data is reviewed to make sure the minimum criteria is met. He indicated that qualifying events are flagged in the AQS system and documentation is submitted to EPA. If EPA concurs that the exceedance qualifies as a natural/exceptional event, the data is not included in calculating compliance values. Mr. Cleveland asked about public notification. Mr. Friedl responded that one of the components of the Natural Events Action Plan is public notification and education programs.

Mr. Person inquired about the Natural Events Action Plan component to establish a program to identify, study, and implement practical mitigating measures as necessary. He commented on the MAG Silt Loading Study and asked if the EPA requirement is to have a program that focuses on one aspect of mitigating future events or an ongoing program that looks at measures to stay in attainment. Mr. Friedl replied that the program needs to be ongoing that periodically reviews the measures necessary and looks at the effectiveness of the measures. He indicated that the next milestone report is due in 2011. Mr. Person stated that the February 6, 2006 letter cites one example of a specific mitigation measure. Mr. Friedl indicated that the other measures already exist. He mentioned that he will report back with additional information. Mr. Person asked if the Natural Events Action Plan requires anything additional from the public or private agencies. Mr. Friedl stated that the measures in the letter are already in place.

8. Tentative MAG Air Quality Project Schedule for 2006 and 2007

Ms. Bauer briefed the Committee on the Tentative MAG Air Quality Project Schedule that has been updated to reflect the timelines for the various air quality projects. She indicated that new projects added to the schedule include the PM-10 Pave Unpaved Road Projects and the PM-10 Source Attribution and Deposition Study. In addition, updates were made to a number of the projects including the Silt Loading Study. She indicated that additional detail has been provided for the PM-10 Five Percent Plan and 8-Hour Ozone Plan. Ms. Bauer mentioned that for the PM-10 Five Percent Plan, the suggested list of measures is scheduled to take place in February/March 2007. She stated that the Committee will be reviewing a wide variety of information between now and February/March 2007. The Committee will then recommend a suggested list of measures that will go to the MAG Regional Council for approval. Following Regional Council approval, the list will go to the individual entities for review and consideration for implementation. Ms. Bauer indicated that commitments will be due around June 2007. She added that discussion of the measures will begin as early as possible.

Mr. Cleveland asked if resolutions would need to be passed in 2007 for control measures that may require financial commitments by the jurisdictions. Ms. Bauer responded that each jurisdiction would determine what resources are available for control measures and have the measures passed by the City Council. Mr. Cleveland asked that information on possible control measures be provided to the jurisdictions as early as possible. Ms. Bauer replied that every effort will be made. Mr. Cleveland encouraged jurisdictions to begin informing their elected officials that funds will need to be set aside for control measures in the PM-10 Five Percent Plan.

Ms. Bauer discussed the schedule of the 8-Hour Ozone Plan and mentioned that no additional measures are anticipated at this point. She indicated that there is a downward trend in the number of violating monitors with 2005 being the first year of clean data. Mr. Friedl confirmed that the region is in compliance with the 8-hour ozone standard as of the end of last season. Mr. Person asked for clarification on the number of years of clean data required to attain the 8-hour ozone standard. Ms. Bauer replied that the region has one year of clean data with an attainment date of 2009. She added that hopefully the region will be in attainment when the 8-Hour Ozone Plan is submitted in 2009.

9. Call for Future Agenda Items

Mr. Cleveland announced that the next meeting of the Committee has been rescheduled for Tuesday, May 23, 2006 at 1:30 p.m. due to the Congestion Mitigation and Air Quality Improvement Close Out Process. He encouraged attendance at the May meeting. With no further comments, the meeting was adjourned.